

Appl. No. 10/808,744  
Amdt. dated February 23, 2007  
Reply to Office Action of November 24, 2006

### **REMARKS/ARGUMENTS**

Claims 1-5, 7-10, 17, 19-21 and 28-43 are pending in this application.

Claims 28-43 are withdrawn from consideration.

Independent claim 1 has been amended by incorporating the subject matter of dependent claim 18, which has accordingly been cancelled.

Turning to the grounds for rejection, claims 1-5, 7-10 and 17-21 stand rejected under 35 U.S.C. 103(a) as being obvious over JP 05-105705 as set forth in the previous action. It is asserted that paragraphs 0002-0004 teach that when the post polymerizing step of JP '705 is eliminated, the deliquescent salts tend to liquefy. Therefore the deliquescent material can be present in solution, but if that is not desired, the post polymerization step can be employed to avoid issues related to wetness of the fibrous material.

However, the cited paragraphs of JP '705 are referring to the prior art relative to the invention of JP '705 and do not disclose the use of calcium chloride, for example, in a fibrous material. Instead, the cited paragraphs disclose that particulate mixtures that include calcium chloride will result in liquid sagging. In contrast, JP '705 apparently overcomes this problem, when used in a fibrous packing material, by a post polymerization step that traps the deliquescent salt in a crosslinked polymer matrix, eliminating the possibility of the deliquescent salt forming a solution and thereby overcoming the liquid sagging problem of the prior art. There is no suggestion in JP '705 to use a deliquescent material in a facial tissue, bath tissue or paper towel. Instead, if one of ordinary skill in the art followed the teachings of paragraphs 0002-0004, one would conclude that the product would be too wet. If one of ordinary skill in the art followed the invention of JP '705, and extrapolated that teaching to tissues, the only conclusion would be to trap the deliquescent material in a crosslinked polymer matrix, which would not result in a solution and which would not provide the desirable moist feel associated with the tissue products claimed by Applicant. There is nothing in the teachings of JP '705 to suggest the use of a deliquescent material in a tissue product in which the equilibrium moisture content is from about 20-50 dry weight percent and in the form of a solution. Therefore the claims are not obvious from the teachings of JP '705.

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Claims 1-2, 4-5, 7-10, 17-19 and 21 stand rejected under 35 U.S.C. 103(a) as being obvious over U.S. 5,449,551 to Taniguchi. It is asserted that Taniguchi discloses a fibrous web, such as paper, to which is applied 1-300 weight percent of a hygroscopic material, such as calcium chloride. However, the purpose of adding such materials to tissue products is to improve the softness of the tissue. It is also stated that it is not economical to add too much of the softness additives (col. 3, lines 33-37). Referring to the Examples, in which Examples 1-13 are tissues, the add-on amount of the hygroscopic material was only 15 weight percent or less. More importantly, the reported moisture absorption in Table 4 was only 18.1 weight percent or less, which is below Applicant's claimed equilibrium content of about 20 to about 50 dry weight percent. There is no suggestion to increase the equilibrium content. To the contrary, one of ordinary skill in the art would conclude that higher add-on amounts of the hygroscopic agent, at least for tissue applications, would be unnecessary due to the added expense and the lack of benefit in terms of softness. In this regard it is noted that Examples 2, 5, 6, 9, 11, 12, 13, 14 and 15 all have the same tactile feel rating, yet the moisture absorption amount ranged from 8.9 – 18.1 percent. This suggests that increasing the moisture absorption amount even further is unnecessary and would only increase expense. Therefore it is not obvious to provide a tissue product with a deliquescent material such that the equilibrium moisture content is from about 20 to about 50 dry weight percent as claimed.

Dependent claims 3 and 20 stand rejected under 35 U.S.C. 130(a) as being unpatentable over Taniguchi as applied above, and further in view of JP 05-105705. Without addressing the merits of this basis for rejection, Applicant believes these dependent claims are patentable because independent claim 1 is patentable for the reasons discussed above.

It is therefore believed that this application is in condition for allowance and such action is earnestly solicited.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. , deposit account number 11-0875.

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